

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Hall Training Room**

Thursday, May 7, 2015

Attending:

Council Member John Mickelson
Council Member Jim Sandager
City Manager Tom Hadden
Development Director Lynne Twedt
City Attorney Dick Scieszinski
Assistant City Attorney Greta Truman
Chief Building Inspector Rod Van Genderen
Planner Brad Munford

City Engineer Duane Wittstock
Principal Engineer Brian Hemesath
Deputy Public Works Director Joe Cory
Finance Director Tim Stiles
Fire Marshal Mike Whitsell
Communication Specialist Lucinda Stephenson
Planner Brian Portz
Planner Kara Tragesser

Guests:

Item #1 – 50th Street Dahl's
Tim Walpole

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:30 a.m.

1. 50th Street Dahl's

Director Twedt informed the committee that the former Dahl's store, located at S. 50th Street and EP True Parkway, had recently been purchased by Kum & Go with the intent of building a convenience store on the corner and parceling off the rest of the property.

Planner Tragesser continued to discuss Kum & Go's request for a convenience store with fuel stations at the southeast corner of the property. The construction of the store will remove approximately 130 parking spaces on the site; thereby, limiting the use of the former Dahl's grocery store building.

Mr. Walpole, part of a commercial real estate development group, presented his idea of utilizing the building for indoor mini storage. He stated that besides the parking limitations, the topography did not lend itself to redevelopment. He noted a need in West Des Moines for storage options.

Director Twedt commented that warehousing was not allowed in a Neighborhood Commercial zoning district and a code change would be required. She stated that having mini storage would be a solution to the parking situation, but would be setting precedent for the entire City.

Council Member Sandager stated that this was a prime site in the middle of a desirable area, and he did not feel this was a good solution to the parking problem, that the potential for the site would be underutilized, and that an office, retail, or residential use would be more complimentary.

Directions: Council Member Sandager was not in favor of changing code to allow warehousing at this location; Council Member Mickelson reserved the right to remain open to see how the property develops.

2. Rick Davis Plat-of-Survey (POS-002687-2015)

Director Twedt pointed out the parcel located at 350 S. 61st Street stating that the property owner, Mr. Rick Davis had submitted a Plat of Survey in order to purchase a portion of the outlot located south of and adjacent to his property. The property is part of the Jordan Creek Business Park and is encumbered with a

sanitary sewer pipe and easement, and storm water detention and culvert. The culvert is a component of the storm water facility serving the Business Park property which is bank owned and currently for sale. Mr. Davis indicated to staff that he has been maintaining the area. He has installed a fence and built a gazebo on a cement slab within the area without obtaining a building permit.

Principal Engineer Hemesath outlined the concerns and issues with Mr. Davis owning the outlot. He stated that the encumbrances and problems were explained to Mr. Davis in 2013 when he came to the City as part of the pre-application process for information regarding the purchase of the property. Mr. Davis's improvements to the property (gazebo and fence) impede access to both the manhole for sewer cleaning and the detention pond for maintenance. An additional concern is that Mr. Davis may have been filling in the drainage easement which would impede the flow of stormwater to the culvert and potentially cause flooding in the area.

Because the Business Park was developed before Storm Water Management Maintenance Agreements were required, City Attorney Scieszinski stated that the City has no agreement with the Business Park to ensure that the facility is maintained. He noted that Mr. Davis does not want to lot-tie the outlot to his residence as FEMA may determine that the outlot is subject to flooding which would increase Davis's insurance rates. Mr. Scieszinski further stated that without an agreement in place, no party would be responsible for the outlet structure, and if the structure required maintenance, the City would not be able to assess the outlot for the City's costs as the outlot would have little value.

Council Member Sandager commented then it would be of no value to the bank to maintain ownership of the property, as the property seems to have no value, but only has liability.

Council Member Mickelson inquired if Mr. Davis was asked to attend the meeting to provide his perspective. Ms. Twedt stated that Mr. Davis was not invited to the meeting as staff wanted Council direction, but noted a comment letter would be sent to Mr. Davis outlining all the concerns and obligations. Staff would only support Mr. Davis purchasing the outlot if there was an agreement in place clarifying the party or entity responsible for the obligations related to the storm water facility and sanitary sewer easement. Mr. Scieszinski stated that in order to sell the property, a Plat of Survey needs to be done, and that the City maintains jurisdiction regarding approval of the Survey. This would allow the City to impose conditions on either the current owner, or Mr. Davis, or both, outlining the required obligations.

Direction: The Council Members were supportive of obtaining a maintenance agreement with conditions outlining the obligations.

3. Upcoming Projects – A map was provided of each project with the case planner giving a brief description.

- a. **West Glen Town Center Plat 7, Lot 2 Retail Bldg** (PC-002668-2015) – construction of a restaurant/coffee shop with drive-thru for the property located at 5585 Mills Civic Parkway.
- b. **Whisper Rock at Quail Cove** (PP-002097-2014/SP-002098-2014) – subdivision of property into 18 single family lots for the area located north of Cherrywood Drive and west of S. 50th Place. The property owner is requesting rezoning from Medium Density to Single Family Residential.
- c. **S. Maple Grove Plat 15** (FP-002424-2014) – subdivide property located south of Westown Parkway at Sedona Drive into two lots for medium density development; two outlots for buffers, and one public street lot.
- d. **S. Maple Grove Plat 17** (PP-002423-2014) – subdivide property located at the SW corner of Westown Parkway and Sedona Drive into two lots for medium density development and one outlot for a buffer.
- e. **S. Maple Grove Townhomes** (PP-002671-2015/SP-002672-2015) – plat property located west of Sedona Drive and south of Westown Parkway into 20 postage stamp lots for townhome development.
- f. **Maple Grove West Plat 6** (FP-002699-2015) – subdivide property located at the NE corner of 98th Street and Larchwood Drive into 48 lots and one outlot for attached townhome development.

- g. **Aspire** (FP-002703-2015) – subdivide property located south of Stagecoach Drive, east of Jordan Creek Parkway, and west of S. 68th Street into 26 lots and one street lot for condominium development.
- h. **Eldorado Estates** (ZC-002700-2015) – rezoning for the property located at 1450 S. Jordan Creek Parkway to establish a PUD to reduce the front yard setback to 35’ for Residential Estate ground to preserve trees and slopes. Access to the south has become an issue and the developer needs to provide a Master Plan to determine how circulation in the area will function.
- i. **Fox Brewery Tap Room** (PC-002685-2015) – request submitted for Board of Adjustment approval for a Permitted Conditional Use Permit to allow a tap room in conjunction with a brewery.
- j. **St. Francis of Assisi Track** (PC to BOA) – request submitted for Board of Adjustment approval for a Permitted Conditional Use Permit to allow construction of an athletic track for school use. Subsequent PUD amendments to take the property out of the CCOP PUD and place in the Ashworth Corridor PUD will be brought forward.

4. **Minor Modifications**

- a. Covenant Presbyterian Church Benches (Level 1)
- b. Community Housing Initiatives Recycling Enclosure (Level 1)
- c. Rusty Spoke Pergola – 4221 Orilla Road (Level 1)
- d. Iowa Sleep Disorders Clinic Facade (Level 1)

5. **Other Matters - None**

The meeting adjourned at 8:26 a.m. The next Development and Planning City Council Subcommittee meeting is scheduled for Thursday, May 21, 2015.

Lynne Twedt, Development Services Director

Kim Taylor, Recording Secretary